

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FRANCISCO MARTINEZ,

Plaintiff,

v.

Case No. 23-C-371

AVA GONZALES, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Francisco Martinez is representing himself in this 42 U.S.C. §1983 action. He was incarcerated when he initiated this case but has since been released. On May 4, 2023, the Court screened the second amended complaint and allowed Martinez to proceed on medical care claims against Defendants. After Defendants filed a responsive pleading, the Court entered a scheduling order setting deadlines for discovery and the filing of dispositive motions. On November 28, 2023, Defendants filed a motion to compel, which the Court granted on January 25, 2024, about a month before discovery was set to close. The Court ordered Martinez to respond in good faith to Defendants' discovery requests within thirty days. On March 12, 2024, Defendants renewed their motion to compel. They assert that Martinez' amended responses were received on February 28, 2024. Defendants explain that instead of responding to Defendants' four interrogatories, Martinez simply directed Defendants to the attached documents, which he said addressed "all information requested." On March 14, 2024, Defendants filed an expedited motion to extend the deadline by which they must move for summary judgment.

The Court has explained to Martinez his obligation to respond to discovery requests in three different decisions. *See* Dkt. Nos. 57, 63, 66. His refusal to fully respond in good faith to Defendants' straightforward interrogatories is beginning to appear willful rather than a result of his unfamiliarity with the law. The Court's patience is wearing thin, but it will allow Martinez one final opportunity to comply with the Federal Rules of Civil Procedure and this Court's orders. Martinez may not simply point to his medical records or prison records as an answer to Defendants' interrogatories. "Interrogatories require the responding party to answer to the extent it has knowledge or can readily ascertain such knowledge." *Vitoux v. Gallagher Asphalt Corp.*, No. 20-cv-382, 2023 WL 2583265, at *2 (N.D. Ind. March 21, 2023) (quoting *Gevas v. Wexford Health Sources*, No. 20-cv-50146, 2021 WL 5795308, at *6 (N.D. Ill. Dec. 7, 2021)). Defendants have a right to know if Martinez believes that the records do not fully reflect his claimed injuries. The records may be incomplete or contain conflicting information, and, in any event, the records reflect the observations and beliefs of the person who prepared them, not Martinez's observations and beliefs, which is what Defendants seek. Accordingly, the Court will grant Defendants' renewed motion to compel. Martinez must respond fully in good faith to Defendants' interrogatories by **April 8, 2024**. Given that Martinez has had ample opportunity to respond to Defendants' discovery requests and has persisted in his refusal to do so, the Court will dismiss this case as a sanction if he fails to comply with this order. If Defendants do not receive Martinez' responses to their discovery request by **April 8, 2024**, they should promptly notify the Court.

Finally, the Court will grant Defendants' expedited motion to extend the dispositive motion deadline. Defendants ask the Court to reset the deadline after Martinez responds to their discovery requests, but the better approach is to set a deadline now to avoid the possibility of delay. Accordingly, any party that desires to file a dispositive motion may do so by **May 14, 2024**.

IT IS THEREFORE ORDERED that Defendants' renewed motion to compel (Dkt No. 67) is **GRANTED**. Martinez must fully respond in good faith to Defendants interrogatories by **April 8, 2024**. Failure to do so will result in dismissal of this action as a sanction for his refusal to participate in discovery and his refusal to comply with the Court's orders.

IT IS FURTHER ORDERED that Defendants' expedited motion for an extension of time (Dkt No. 70) is **GRANTED**. The dispositive motion deadline is **EXTENDED** to **May 14, 2024**.

Dated at Green Bay, Wisconsin this 15th day of March, 2024.

s/ William C. Griesbach
William C. Griesbach
United States District Judge